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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,518	01/19/2001	Gunther Herdin	TRG-289	9521

7590 11/12/2003
LORUSSO & LOUD
440 COMMERCIAL STREET
BOSTON, MA 02109

EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/765,518

Applicant(s)

HERDIN ET AL.

Examiner

Kenn Thompson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6,9-11,14-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 12,13,18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 9-11, 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosslau, U.S. 1,972,441 in view of Nishimura et al., U.S. 4,622,923.

Regarding claim 5, Gosslau discloses in figures 1-3 a engine generator arrangement (fig 1). Gosslau discloses an internal combustion engine (3) with an output shaft (pg. 1, lines 18-21) and an engine casing (3,5). Gosslau discloses the electric generator (2) for producing electricity. Gosslau discloses the electric generator having a drive shaft (pg. 1, lines 26-32) and a generator casing (2,6). Gosslau discloses the output shaft of the internal combustion engine is connected to the drive shaft of the electric generator by way of an elastic coupling (pg. 1, lines 17-25). Gosslau discloses the engine casing (3,5) is connected to the generator casing (2,6) by way of at least one elastic intermediate member (7) so that the vibrations from the internal combustion engine are not passed to the generator. Gosslau does not disclose the internal combustion engine and the generator are supported by way of rubber-mounted supports. Nishimura et al. teaches in figures 2 and 3 use of an internal combustion engine (46) and the generator (50) being supported by way of rubber-mounted supports (39) to eliminate transfer of vibrations to the mounting surface. It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the engine and generator disclosed by Gosslau to

be supported by way of rubber-mounted supports; as taught by Nishimura et al. to eliminate transfer of vibrations to the mounting surface since continued vibration transfer to the mounting surface causes mounting fasteners to disconnect.

As to claim 6, Gossiau discloses the elastic intermediate member is rubber elastic elastomer layer (pg. 1, lines 64-73).

As to claim 9, Gossiau discloses the at least one elastic intermediate member (7) is annular. Gossiau discloses a core (bore of 7 at 8) disposed in the at least one elastic intermediate member.

As to claim 10, Gossiau discloses a fastener assembly (8) for securing the first flange to the second flange with the at least one elastic intermediate member.

As to claim 11, Gossiau discloses the fastener (8) assembly comprising a bolt and a nut wherein the core has a bore and the bolt is disposed in the core.

As to claim 14, Gossiau discloses the engine casing (3) comprises a first flange (5) having a bore (13) wherein the at least one elastic intermediate member (7) is disposed in the bore (13). Gossiau discloses the generator casing (2) comprising a second flange (6) substantially radially coextensive with and aligned with the first flange (5) in a substantially non-overlapping substantially parallel orientation wherein the first flange (5) is attached to the second flange via the elastic intermediate member (7).

As to claim 15, Gossiau discloses a core (bore of 7) disposed between the at least one elastomeric intermediate member and the second flange.

As to claim 16, Gossiau discloses a fastener (8) assembly for securing the first flange to the second flange with the at least one elastomeric intermediate member (7).

As to claim 17, Gossiau discloses the fastener (8) assembly comprising a bolt and a nut wherein the core has a bore and the bolt is disposed in the core.

As to claim 20, Nishimura et al. teaches in figures 2 and 3 use of an internal combustion engine (46) and the generator (50) are supported on the ground by way of rubber-mounted supports (39 via 44).

Allowable Subject Matter

Claims 12, 13, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose or suggest all the claimed subject matter including a sleeve surrounding the at least one elastic intermediate member.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sievers et al., U.S. 3,893,775 discloses a similar core, elastic intermediate member and sleeve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenn Thompson whose telephone number is 703 306-5760. The examiner can normally be reached on 7:00 am - 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703 308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3679

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-2168.

KT

05 November 2003



Lynne H. Browne
Supervisory Patent Examiner
Group 3600